

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

AARON DOYLE PINKSTON-EL-BEY,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 08-cv-111-GPM
)	
STATE of ILLINOIS, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

MURPHY, District Judge:

Before the Court is Plaintiff Pinkston-El-Bey's motion to alter or amend judgment, filed pursuant to Rule 59(e) of the Federal Rules of Civil Procedure (Doc. 17). Judgment was entered in this action on January 30, 2009 (Doc. 11), and this motion was not filed until March 12, 2009. A motion pursuant to Rule 59(e) must be filed "no later than 10 days after entry of the judgment." Therefore, the motion is untimely. The Court also lacks jurisdiction because a notice of appeal has been filed (*see* Doc. 13). *Kusay v. United States*, 62 F.3d 192, 193 (7th Cir. 1995) (*citing Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982)).

The instant motion is **DISMISSED** for lack of jurisdiction.

IT IS SO ORDERED.

DATED: 4/20/09

s/ *G. Patrick Murphy*
G. Patrick Murphy
United States District Judge